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January 23, 2020

VIA ECF

Honorable Sanket J. Bulsara  
United States Magistrate Judge  
United States Courthouse  
225 Cadman Plaza East  
Chambers 304N, Courtroom 324N  
Brooklyn, NY 11201

**Re: DISH Network L.L.C. v. Tomasz Kaczmarek, Case No. 19-CV-4803-NGG-SJB**  
***Plaintiffs' Proposal Concerning Early Mediation***

Dear Judge Bulsara,

During the initial conference on January 17, 2020, Plaintiffs were asked to consider early mediation with Defendants John Defoe and Julia Defoe. Defendant Tomasz Kaczmarek failed to respond to the complaint, did not appear at the conference, and his default is pending. (Dkt. 19.)

Plaintiffs propose that the Court designate this case for inclusion in the mediation program under Local Rule 83.8(b). The mediation should be conducted by February 28, 2020, provided a mediator is available, considering the Court is holding its own settlement conference in this case on April 8, 2020. An early mediation, if successful, will allow the parties to minimize attorney's fees and costs. Pursuant to Local Rule 83.8(b)(2)(A), Plaintiffs request the appointed mediator have experience with piracy or copyright infringement matters.

Plaintiffs will agree to pay the mediator's costs for the initial four hours of mediation, as set forth in Local Rule 83.8(f)(1), given the alleged financial circumstances of Defendants John and Julia Defoe. A one-half day mediation should be adequate time to evaluate settlement, especially considering the parties already discussed settlement on their own. As contemplated under Local Rule 83.8(c)(2), Plaintiffs, who are located in Denver, Colorado and agreeing to pay the costs of mediation as stated above, request permission for a corporate representative with full settlement authority to appear by telephone at the mediation. Plaintiffs' counsel will attend the mediation in person in accordance with Local Rule 83.8(c)(1).

Plaintiffs attempted to confer with Defendants John and Julia Defoe regarding this proposal for mediation on January 23, 2020, by telephone and email, but have not yet received a response. Plaintiffs' proposed terms for referral to early mediation should be so ordered.

Respectfully submitted,

*/s/ Timothy M. Frank*

Timothy M. Frank (*pro hac vice*)  
Hagan Noll & Boyle, LLC  
Attorney for Plaintiffs DISH Network  
L.L.C. and NagraStar LLC

cc:

Todd Wengrovsky (*via ECF*)  
Attorney for Defoe Defendants